

JAIMEE UNDERWOOD, et al.)
)
v.) NO. 3:04-0680
) JUDGE CAMPBELL
JAMES FITZGERALD, et al.)

Pending before the Court is Plaintiff Underwood's Second Motion for Summary Judgment (Docket No. 173). For the reasons stated in the accompanying Memorandum, Plaintiff's Motion is GRANTED in part and DENIED in part. Judgment is granted for Plaintiff Underwood against Defendant Fitzgerald on the issue of Defendant Fitzgerald's recklessness in the incident of July 19, 2004, upon which this action is based.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE